

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Rules, Regulations, Orders	TITLE 24—HOUSING CREDIT FEDERAL SAVINGS AND LOAN SYSTEM	CONTENTS
<p style="text-align: center;">TITLE 14—CIVIL AVIATION</p> <p style="text-align: center;">CIVIL AERONAUTICS AUTHORITY</p> <p style="text-align: center;">[Amendment 22, Civil Air Regulations]</p> <p style="text-align: center;">GLIDER PILOT EXPERIENCE</p> <p>At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 1st day of August 1939.</p> <p>Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:</p> <p>Section 20.166 of the Civil Air Regulations is amended so that the same will read as follows:</p> <p>"20.166 <i>Aeronautical experience.</i> Applicant shall have completed at least 100 gliding flights, 25 of which shall have each included a 360° turn, and at least 5 of such 25 flights shall have been made within the 30 days preceding the date of filing the application. Any person who is the holder of at least a currently effective private pilot certificate and who shall have completed not less than 25 gliding flights or logged not less than 5 hours of gliding or soaring solo flight time, shall be deemed to have met the requirements of this section."</p> <p>By the Authority.</p> <p>[SEAL] PAUL J. FRIZZELL, <i>Secretary.</i></p> <p>[F. R. Doc. 39-2852; Filed, August 2, 1939; 12:12 p. m.]</p>	<p>PROHIBITING FEDERAL SAVINGS AND LOAN ASSOCIATIONS FROM INVESTING IN PARTICIPATIONS IN MORTGAGES</p> <p><i>Be it resolved,</i> That Section 203.10 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective August 2, 1939, by adding at the end thereof the following new subsection (e):</p> <p>"(e) <i>Participation in mortgages.</i> No Federal association may invest any of its funds in participations in mortgages or deeds of trust in the absence of prior specific approval by the Board." (Sec. 5 (a), (c) of H.O.L.A. of 1933, 48 Stat. 132; Sec. 18, 49 Stat. 297; 12 U.S.C. 1464 (a), (c) and Sup.)</p> <p><i>Be it further resolved,</i> That this amendment is deemed to be of a minor character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.</p> <p>Adopted by the Federal Home Loan Bank Board on August 1, 1939.</p> <p>[SEAL] R. L. NAGLE, <i>Secretary.</i></p> <p>[F. R. Doc. 39-2844; Filed, August 1, 1939; 3:02 p. m.]</p> <p style="text-align: center;">TITLE 26—INTERNAL REVENUE</p> <p style="text-align: center;">BUREAU OF INTERNAL REVENUE</p> <p style="text-align: center;">[T. D. 4916]</p> <p>PART 303A—MANUFACTURER'S EXCISE TAX ON TOILET PREPARATIONS</p> <p>RETURNS OF TAX FOR JUNE AND JULY 1939 IMPOSED UNDER SECTION 3401 OF THE INTERNAL REVENUE CODE, AS AMENDED BY SECTION 3 OF THE REVENUE ACT OF 1939</p> <p><i>To Collectors of Internal Revenue and Others Concerned:</i></p> <p>For the purposes of articles 67 and 68 of Regulations 46 (1932) as amended</p>	<p style="text-align: center;">RULES, REGULATIONS, ORDERS</p> <p>TITLE 14—CIVIL AVIATION: Page</p> <p> Civil Aeronautics Authority: 3515</p> <p> Glider pilot experience.....</p> <p>TITLE 24—HOUSING CREDIT:</p> <p> Federal Savings and Loan System:</p> <p> Investments in participations in mortgages prohibited... 3515</p> <p>TITLE 26—INTERNAL REVENUE:</p> <p> Bureau of Internal Revenue:</p> <p> Manufacturer's excise tax on toilet preparations 3515</p> <p>TITLE 47—TELECOMMUNICATION:</p> <p> Federal Communications Commission:</p> <p> Reports 3516</p> <p> Prior orders and rule repealed 3519</p> <p style="text-align: center;">NOTICES</p> <p>Civil Aeronautics Authority:</p> <p> Tri-State Aviation Corp., hearing..... 3519</p> <p>Federal Trade Commission:</p> <p> Martha Beasley Associates (J. V. Cordes and Mrs. J. H. Cordes), order appointing examiner, etc..... 3519</p> <p>Interstate Commerce Commission:</p> <p> Class rates and freight classifications, notice..... 3520</p> <p>Investigations:</p> <p> Class rate, 1939..... 3519</p> <p> Consolidated freight classification..... 3520</p> <p>Rural Electrification Administration:</p> <p> Allocation of funds for loans.... 3520</p> <p>Treasury Department:</p> <p> Federal Alcohol Administration Division:</p> <p> Advertising in poster display machines 3519</p>



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(sections 303.67 and 303.68 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,¹ approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations), returns for the period June 1, to June 29, 1939, inclusive, and for the period June 30, to July 31, 1939, inclusive, will be accepted under the authority contained in section 3448 of the Internal Revenue Code, as being returns for the months of June and July 1939, respectively, from persons liable for the tax on toilet preparations imposed under the provisions of section 3401 of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1939.

A return for the period ended June 29, 1939, must be filed with the collector of internal revenue on or before July 31, 1939, and a return for the period ending July 31, 1939, must be filed with the collector on or before August 31, 1939.

(This Treasury decision is prescribed pursuant to section 3401 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 3 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session) and sections 3448 and 3450 of the Internal Revenue Code (53 Stat., Part 1).)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of
Internal Revenue.

Approved, July 31, 1939.

JOHN W. HANES,
Acting Secretary
of the Treasury.

[F. R. Doc. 39-2851; Filed, August 2, 1939;
11:10 a. m.]

¹ 4 F.R. 879 DI.

TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

PART 43—REPORTS¹ *†

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BROADCAST LICENSEES

§ 43.1 Information as to ownership, operation, interests therein, contracts, etc. Licensees and permittees of all classes of broadcast stations shall file reports as follows:

(a) Within 30 days after becoming licensees or permittees all such licensees or permittees shall file with the Commission original reports containing the information required in accordance with the forms adopted and furnished by the Commission and the instructions in such forms.

(b) Thereafter, and within 30 days of the occurrence of any event which necessitates a change in information already reported, all such licensees or permittees shall file supplemental reports contain-

¹ Rules Governing the Filing of Information, Contracts, Periodic Reports, etc.

The rules and regulations incorporated in this Part do not include certain rules and regulations requiring the filing of information in connection with specific services, accounting systems, or other rules and regulations incorporated in other Parts of this Title. For such rules and regulations see the Part relating thereto.

*Promulgated under the authority contained in Sec. 4 (1), 48 Stat. 1066; 47 U.S.C. 154 (1)—Sec. 20, 24 Stat. 386; 47 U.S.C. 20, rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 206, 48 Stat. 1072; 47 U.S.C. 206—Sec. 211, 48 Stat. 1073; 47 U.S.C. 211—Sec. 215, 48 Stat. 1076; 47 U.S.C. 215—Sec. 218, 48 Stat. 1077; 47 U.S.C. 218—Sec. 219, 48 Stat. 1077; 47 U.S.C. 219—Sec. 308 (b), 48 Stat. 1084; 47 U.S.C. 308 (b)—Sec. 310, 48 Stat. 1086; 47 U.S.C. 310.

†Adopted by the FCC, July 12, 1939, effective Aug. 11, 1939.

ing the information required in accordance with the forms adopted and furnished by the Commission and the instructions in such forms.

(c) All reports required hereby must be dated and executed under oath (or affirmed according to law) in accordance with the provisions of the form and show the date upon which each reporting event occurred. One report (original or supplemental) may be rendered by a licensee or permittee covering more than one station provided the reported information relates equally to all stations. Otherwise, separate reports for each station must be filed.

(d) A licensee or permittee corporation which has of record on the date of submission of any report 1,000 stockholders or more, may file the information required herein as to stockholders who own 1,000 or more shares of the stock of said corporation.

(e) The term "contract" as it appears on the forms provided by this section shall be construed to include every contract, understanding, or agreement, verbal or written. Verbal contracts shall be reduced to writing and certified copies thereof submitted.*†

ANNUAL, MONTHLY, AND OTHER REPORTS OF CARRIERS AND AFFILIATED COMPANIES

In General

§ 43.11 Verification. In filing annual, monthly, and other reports where the returns are requested in duplicate, under oath (or affirmed according to law), it will be necessary to verify only one of the copies required. The copy so verified shall be plainly marked "original", and the other copy shall be certified as being a correct copy of the original.*†

Annual Reports

§ 43.21 Required of carriers and affiliates. All carriers, and persons immediately controlling any such carrier, and all other persons as the Commission, in its discretion, under the provisions of Section 219 of the Act, may direct shall make and file, in duplicate, with the Commission, on or before the thirty-first day of March in each year, annual reports, verified under oath (or affirmed according to law) as provided in Section 219 of the Act, covering the period of twelve months ending on the thirty-first day of December next prior to said date. Respondents may be classified by the Commission according to size of operating revenues, nature of affiliation, or otherwise, and reporting forms shall be prescribed suitable to each class. The annual reports shall be in accordance with the forms adopted and furnished by the Commission and the instructions in such forms, and shall contain full and specific answers to all questions propounded in said forms and all the information called for therein, whether by questions, or forms of tabular statements, or otherwise.*†

Monthly Reports

§ 43.31 *Telegraph, cable, radiotelegraph, and telephone carriers required to file.* Carriers shall make and file monthly reports as follows:

(a) Each telegraph, cable, and radiotelegraph carrier shall make and file with the Commission monthly reports of its revenues and expenses.

(b) Each telephone carrier having annual operating revenues above \$1,000,000.00 shall make and file with the Commission monthly reports of selected income and balance sheet items as provided for in Section 219 of the Act.

(c) Each telephone carrier having annual operating revenues above \$250,000.00 shall make and file with the Commission monthly reports of its revenues, expenses, and capital changes.

Each such report required by paragraphs (a), (b), and (c) shall be in duplicate and in accordance with the forms adopted and furnished by the Commission and the instructions in such forms, and shall be filed with the Commission within 40 days after the close of the calendar month covered by the report.*†

Other Reports

§ 43.41 *Reports of traffic damage claims required of telegraph, cable, and radiotelegraph carriers.* Each telegraph, cable, and radiotelegraph carrier shall:

(a) maintain separate files for each damage claim of a traffic nature filed with the carrier, showing the name, address, and nature of business of the claimant, the basis for the claim, disposition made, and all correspondence, reports, and records pertaining thereto. Such files shall be maintained in accordance with existing rules and regulations regarding destruction of records (Part 42 of Title 47—Telecommunication—of the Code of Federal Regulations, as amended), and at points (one or more) to be specifically designated by each carrier. Each such carrier shall report, as hereinafter provided, all claims upon which message tolls or revenues are returned or other payments are made to the claimant by such carrier;

(b) make no payment as a result of any traffic damage claim if the amount of the payment would be in excess of the total amount collected by the carrier on the message or messages from which the claim arose unless such claim be presented to the carrier in a writing signed by the claimant and setting forth the reason for the claim;

(c) make a report of traffic damage claims, verified under oath (or affirmed according to law), and file, in duplicate, with the Commission, on or before the thirty-first day of March in each year, covering the period of twelve months ending on the thirty-first day of December next prior to said date. Said reports shall be in accordance with the forms adopted and furnished by the Commission and with the instructions in such

forms, and shall contain all the information called for therein.*†

§ 43.42 *Reports of relief and pensions required of carriers.* Each common carrier shall at the time, or within the limits of time, hereinafter stipulated, supply the following information:

(a) Irrespective of the plan of related accounting now or at any time pursued, copies of the text (or if such does not exist, a comprehensive outline) of the original plan (adopted by respondent or to which respondent is or was a party) for pensions, sick benefits, disability benefits, death benefits, termination allowances, or any other benefits, paid or payable to active or retired employees, their representatives or beneficiaries, together with copies of the text, the dates, and effective dates of all amendments, modifications, abolishments, or other changes in all such plans as now are, or have been at any time, in force.

(b) In connection with every such benefit plan, further detailed copies or (only when the word "copies" is not appropriate) statements: (1) on original basis and (2) with respect to the content, dates and effective dates of all amendments, modifications, abolishments, and other changes in the following particulars:

(1) The facts, if any, that in the respondent's judgment establish a contractual relationship requiring the payment of pensions or other benefits.

(2) The declaration of trust under which a pension or other benefit fund, if any, has been established.

(3) The actuarial formulae (or processes stated in simplified form) governing the creation and continuation of each such trust or other similar fund or provident or other similar reserve as may be or has been established with a view to the payment of pensions or other benefits.

(4) The plan of accounting for each of the types of benefits (1) paid or (2) regarding the eventual payment of which provision has been made in the accounts.

(c) With respect to all the foregoing matters, other than future changes, every carrier, unless it has already done so, shall within 30 days, file with the Commission its response; and with respect to every future change (in a benefit plan, trust agreement, actuarial formula, plan of accounting, or other matter hereinbefore specified) made or definitely contemplated, the Commission shall be advised at the earliest practicable date: *Provided*, That in the event of any change actually made, such filing shall be within the 30 days next following the effective date of such change: *And further provided*, That in the event that any change will involve or produce a "change in accounting", the change shall not be made until after filing of the appropriate detailed documentary copy or statement with the Commission

for its consideration and such action as it deems appropriate.

(d) With respect to the matters treated in paragraphs (a) to (g) "change in accounting" shall mean every change in the benefit plan, actuarial procedure, plan of accounting itself, or otherwise, that will involve or produce changes in the amounts periodically entering any account for any reason other than a change in the amount of a payroll.

(e) Nothing contained in paragraphs (a) to (g) shall be considered as changing or in any way affecting the requirements of any uniform system of accounts effective under the provisions of the Act, but, in order to avoid duplicate requirements, any carrier, which in answer to any order, accounting regulation, or request of the Commission has supplied one or more of the items of information sought by paragraphs (a) to (g) shall be considered as having responded properly with respect to the particular item or items after having made specific reference in answer to the item under paragraphs (a) to (g) to the responsive data otherwise supplied.

(f) In the event that any or all of the requirements of paragraphs (a) to (g) are not applicable to a carrier subject to the Act, such carrier, unless it has already done so, shall, within 30 days, file with the Commission a response stating such fact, and a carrier's status in this respect shall in no manner affect its responsibility for subsequent reports in the event of future adoption, change, or other significant event or circumstance.

(g) The term "changes" used in paragraphs (a) to (g) shall include the variation (1) in the terms of the benefit plan; (2) in the accounting for the benefits; or (3) elsewhere, due to social security legislation, but for the purposes of paragraphs (a) to (g) the payment of taxes pursuant to the Social Security Act shall not of itself be considered as constituting adoption of, or becoming a party to, a benefit plan.*†

CARRIER CONTRACTS, AGREEMENTS, ETC.

§ 43.51 *Contracts relating to traffic.* Each carrier, unless it has already done so, shall, within 30 days, file with the Commission, in duplicate, verified under oath (or affirmed according to law), copies of every contract, agreement and arrangement with other carriers, or with common carriers not subject to the provisions of the Act in relation to any traffic in which it engages or participates and which may be affected by the provisions of the Act.

Each carrier which hereafter enters into, modifies, amends, or cancels any such contract, agreement, and arrangement, shall, within 30 days thereafter, file with the Commission, in duplicate, verified under oath (or affirmed according to law), copies of every new, modified, or amended contract, agreement and arrangement, and verified copies in duplicate of every cancellation.

If any contract, agreement, arrangement, or cancellation be made other than in writing, statements in duplicate, verified under oath (or affirmed according to law) of the terms of every such contract, agreement, arrangement, or cancellation shall be filed with the Commission within 30 days thereafter.*†

§ 43.52 *Exclusive contracts.* Each carrier, unless it has already done so, shall, within 30 days, file with the Commission, in duplicate, verified under oath (or affirmed according to law), copies of every contract, agreement and arrangement to which it is a party, which prevents or purports to prevent the other party thereto in any manner from dealing freely with another common carrier subject to the provisions of the Act.

Each carrier which hereafter enters into, modifies, amends, or cancels any such contract, agreement, and arrangement, shall within 30 days thereafter, file with the Commission, in duplicate, verified under oath (or affirmed according to law) copies of every such new, modified, or amended contract, agreement and arrangement, and verified copies in duplicate of every cancellation.

If any contract, agreement, arrangement, or cancellation be made other than in writing, statements in duplicate, verified under oath (or affirmed according to law) of the terms of every such contract, agreement, arrangement, or cancellation shall be filed with the Commission within 30 days thereafter.

Where a contract called for by this section relates exclusively to the lease of office space involving an annual rental of less than \$500.00 for premises located in other than public places, (railroad, bus, or other transportation terminals, stations, or rights of way; hotels; theatres; amusement parks; baseball parks, or other sport stadiums or arenas, or other places of amusement; auditoriums, or other places of public assemblage) such contract need not be filed pursuant to this section; but in lieu thereof verified statements, in duplicate, of a list showing every such contract, stating the location of the premises, the period of the lease and the consideration involved, shall be filed with the Commission.*†

§ 43.53 *Foreign telegraph communication.* Each carrier engaging or participating in foreign telegraph communication, unless it has already done so, shall, within 30 days, file with the Commission, in duplicate, under oath (or affirmed according to law), a statement showing by zones and countries of origin and destination, as hereinafter defined, in so far as the same may be known to the respondent carriers:

(a) The total charge per word for each class of message for transmission over the normal route or routes;

(b) The division of such charge setting forth separately the terminal, transit, and all other charges or payments (specifying them) making up said total charge;

(c) The carriers, administrations, or other persons or bodies to which such portion or division of such charges accrue, and

(d) The total amount accruing to each carrier, administration, or other person or body participating in such total charge:

With respect to—

(1) Messages originating in each zone (as now defined in the carrier's tariffs on file with the Commission), in the United States and its possessions, transmitted by such carrier and destined to each country (including each destination within each foreign country if the total charge differs) outside the United States and its possessions, except countries to which the domestic word count applies:

(2) Messages originating in each country (including each point within each foreign country if the total charge differs) outside the United States and its possessions, except countries to which the domestic word count applies, for delivery in each zone in the United States and its possessions;

(3) Messages originating in each country outside the United States and its possessions, except the countries to which the domestic word count applies (including each point within each foreign country if the total charge differs), and transiting the United States or its possessions for delivery in each country beyond the United States or its possessions: *Provided, however,* That any carrier may submit, for the approval of the Commission, a list of the principal countries between which it handles traffic transiting the United States and if such list be approved by the Commission, then said carrier need only report as to traffic transiting the United States between the countries on said approved list. Said reports shall be in accordance with the forms adopted by the Commission and the instructions in such forms, samples of which will be furnished by the Commission, and shall contain all the information called for therein.

In the event any change is made with respect to any of the matters referred to in the foregoing paragraphs (a), (b), (c), and (d), a like statement shall be filed not later than 45 days after the effective date of the change.

The amounts of money herein required to be reported shall in each case be stated in United States currency and also in terms of gold francs, or in terms of other currency in which settlement of accounts is actually made, and the ratio used in conversion from one currency to another shall be stated.

Each carrier above described, unless it has already done so, shall, within 30 days, file with the Commission copies of every contract, agreement, and arrangement pursuant to which the division of its charges for the messages described in subparagraphs (1), (2), and (3) above are made; and shall reduce to writing

and file with the Commission immediately on the making thereof any new or modified or changed contract, agreement, and arrangement entered into by it with respect to the ratio of the division of charges (including any advices or information received by it affecting directly or indirectly such division of charges). This provision shall be construed to include contracts, agreements, and arrangements made with other carriers or administrations in connection with settlement of accounts, in so far as such contracts, agreements, and arrangements may affect the amount of revenue accruing to the carrier subject to the provisions of the Act.

If any contract, agreement, and arrangement required by the foregoing paragraphs to be filed with the Commission is made other than in writing, verified statements, in duplicate, of the terms of every such contract, agreement, and arrangement shall be filed with the Commission within the time specified for filing written contracts, agreements, and arrangements.*†

§ 43.54 *Description of services.* Each telegraph carrier, unless it has already done so in connection with the filing of tariffs, shall, within 30 days, file with the Commission a statement, in duplicate, verified under oath (or affirmed according to law), giving a description of the various transmission or nontransmission services to the public, groups of persons, organizations, governments, etc. performed or participated in at the time of filing.

Each telegraph carrier which hereafter begins the performance of or the participation in any new service, or extends or discontinues any existing service, shall, within 30 days thereafter, file with the Commission a statement, in duplicate, verified under oath (or affirmed according to law), giving a description and full particulars of any new service begun or of any existing service extended or discontinued, provided that it has not already done so in connection with the filing of tariffs.

Examples of services which may be covered by this section are: communication service wholly within a foreign country, or between foreign countries; the leasing of wires to other communication carriers; errand service by messenger boys; time service; burglar alarm service, pickup and delivery for other carriers; leasing of other than telegraph plant; sale, installation, maintenance, and inspection of equipment; accounting, legal, and engineering services; merchandising, jobbing, and contracting services; frequency measuring service; and stock quotation board service.*†

By the Commission,

[SEAL]

JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 39-2854; Filed, August 2, 1939; 12:32 p. m.]

PART 43—REPORTS

The Commission, on July 12, 1939, repealed the following orders, effective August 11, 1939:

CFR Sec. No.

I.C.C. Order dated April 10, 341.10.
1916.
I.C.C. Order dated March 15, 341.01.
1924.
I.C.C. Order dated Sept. 12, Not codified.
1930.
I.C.C. Order dated Dec. 9, 341.11.
1932.
F.C.C. Telegraph Division 342.01-342.02.
Order No. 8, Sept. 19, 1934.
F.C.C. Order No. 13, Aug. 14, 341.20.
1935.
F.C.C. Telephone Division 341.12.
Order No. 15, Sept. 8, 1937.
F.C.C. Telegraph Division 342.03.
Order No. 27, Sept. 22, 1938.
F.C.C. Order No. 34, Feb. 21, Not codified.
1938.

The Commission, on July 12, 1939, effective August 11, 1939, repealed Rule 340.01 (CFR, Sec. 340.01), and CFR Sections 343.01, 343.02 and 343.03.

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 39-2855; Filed, August 2, 1939;
12:32 p. m.]

Notices

TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

ADVERTISING IN POSTER DISPLAY MACHINES

To All Permittees:

The Administration has received numerous inquiries relative to the propriety, under the Federal Alcohol Administration Act, of industry members engaging in a new type of advertising service apparently involving agreements with private firms for advertising space in poster display machines or devices installed in retail stores operated by the various States. Since it is anticipated that participation by industry members in this form of advertising may possibly involve violations of the Federal statute, the Administration considers it advisable to direct the attention of the Industry to Section 5 (b) (4) of the Act which is summarized as follows:

"Section 5 (b) (4) of the Federal Alcohol Administration Act prohibits a manufacturer, importer, or wholesaler, directly or indirectly, from inducing a retailer to purchase his products to the exclusion, in whole or in part, of the products of other persons sold or offered for sale in interstate commerce, under the conditions stated, by paying or crediting the retailer for any advertising display or distribution service. The payments to the retailer, in the situation

outlined above, flow from the various persons who purchase advertising space in the device, and might, therefore, be included in this provision of the statute, if they had the result prohibited thereby."

In this connection the Administration deems it expedient to point out that the language of Section 5 (b) of the Act is similar to that used in Section 5 (d), concerning which the report of the Ways and Means Committee of the United States Congress contains the following statement:

"The consignment sale provision is made to apply to sales and purchases by State agencies. The constitutionality of applying such regulation to State agencies is sustained by the cases of *South Carolina vs. U. S.* (1905) (199 U. S. 437); *Ohio vs. Helvering* (1934) (292 U. S. 360); and *Helvering vs. Powers* (1934) (293 U. S. 214) (H. Rept. No. 1542, Federal Alcohol Control Bill, p. 11)."

Although it is, of course, impossible for this Administration to determine in advance whether or not a given practice will have the result prohibited by Federal statute, it appears advisable for the Administration to inform the Industry as to its views of the law.

[SEAL] W. S. ALEXANDER,
Administrator.

JULY 31, 1939.

[F. R. Doc. 39-2843; Filed, August 1, 1939;
2:55 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 59-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF TRI-STATE AVIATION CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 14, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room A, Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., August 1, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2853; Filed, August 2, 1939;
12:12 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 31st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3841]

IN THE MATTER OF J. V. CORDES AND MRS. J. H. CORDES, TRADING AND DOING BUSINESS AS MARTHA BEASLEY ASSOCIATES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, August 4, 1939, at nine o'clock in the forenoon of that day (central standard time) Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-2845; Filed, August 1, 1939;
4:01 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Order No. 28300]

CLASS RATE INVESTIGATION, 1939

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July, A. D. 1939.

The Commission having under consideration the matter of interstate class rates (both intraterritorial and interterritorial) in official, southern, southwestern, and western trunk-line territories, and good cause appearing therefor:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion into and concerning the interstate class rates under the respectively designated classes, as follows:

Western classes.....	1	2	3	4	A	5	B	C	D	E
Percentages.....	100	85	70	55	45	37.5	32.5	30	22.5	17.5

Official classes.....	1	2	3-R25	R26	4	5	6
Percentages.....	100	85	70	55	50	35	27.5

Southern classes.....	1	2	3	4	5	6	7	8	9	10	11	12
Percentages.....	100	85	70	55	45	40	35	30	25	22.5	20	17.5

applicable to the transportation in interstate or foreign commerce of property by common carriers by railroad, or by water, or partly by railroad and partly by water, subject to the Interstate Commerce Act, and the charges resulting therefrom, between all points in the United States lying on and generally eastward of the following line: The western boundaries of the States of North Dakota, South Dakota, and Nebraska south to the main line of the Union Pacific Railroad Company, thence along such railway west to Cheyenne, Wyo., thence south on the line of The Colorado and Southern Railway Company and paralleling railroads passing through Denver, Pueblo, and Trinidad, Colo., to the border of the State of New Mexico, thence successively east, south, and west along the latter border to the Rio Grande River (excluding any point in New Mexico), thence along the Rio Grande to the Gulf of Mexico, with a view to determining whether said rates and charges, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to making such findings and order or orders as may be proper in the premises.

It is further ordered, That all common carriers by railroad, or by water, subject to said Act, and participating in said transportation be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 39-2849; Filed, August 2, 1939;
11:02 a. m.]

[Order No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July, A. D. 1939.

The Commission having under consideration the matter of the consolidated freight classification containing the de-

scriptions of articles, carload minimum weights, and ratings on such articles, in official, southern, and western classifications, and applicable to the transportation of property in interstate or foreign commerce, by common carriers by railroad, or water, or partly by railroad and partly by water, subject to the Interstate Commerce Act, and good cause appearing therefor:

It is ordered, That a proceeding of inquiry and investigation be, and it is hereby, instituted by the Commission on its own motion into and concerning the descriptions, minima, and ratings provided in said consolidated freight classification, with a view to determining whether they, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to make such findings and order or orders as may be proper in the premises.

It is further ordered, That all common carriers by railroad, or by water, engaged in the transportation of property in interstate and foreign commerce, subject to said act and participating in tariffs of rates or charges governed by said classifications, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 39-2850; Filed, August 2, 1939;
11:02 a. m.]

CLASS RATES AND FREIGHT CLASSIFICATIONS

NOTICE TO THE PUBLIC

AUGUST 1, 1939.

The Commission has, by appropriate orders instituted general investigations of (1) class rates, rail and water, applicable in the United States generally, except in mountain-Pacific territory and on transcontinental traffic; and (2) freight classifications by rail and water, with a view to prescribing such rates and classification as may be found justified. This is a large undertaking. Necessarily it will take time not only in preliminary

work by the Commission's own forces, but in preparations by parties desiring to be heard. Consequently it will probably be desirable that public hearings be not set at an early date. In the meantime efforts now being made by carriers' and shippers' organizations to revise class rate structures, in the light of present conditions, and to simplify classifications should proceed. To the extent these efforts are successful the magnitude of the task confronting all concerned in these investigations will be decreased. These proceedings have been assigned to Division 2 for administrative handling.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-2848; Filed, August 2, 1939;
11:02 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 378]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Florida 0022A1 Escambia.....	\$180,000
Iowa 0061B1 Cherokee.....	125,000
Kansas 0031A1 Crawford.....	220,000
Minnesota 0058B1 Kandiyohi.....	275,000
Montana 0002C2 Cascade.....	26,500
Montana 0012C1 Missoula.....	110,000
South Carolina 0024A1 Marion.....	112,000
South Dakota 0008A1 Brookings.....	356,000
South Dakota 0010A1 Minnehaha.....	390,000
Texas 0100A1 Washington.....	605,000
Washington 0018D1 Spokane.....	535,000

ROBERT B. CRAIG,
Assistant Administrator.

[F. R. Doc. 39-2846; Filed, August 2, 1939;
9:31 a. m.]

[Administrative Order No. 379]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Georgia 0039W2 Hart.....	\$10,000
Georgia 0075W2 Lamar.....	5,000
Kansas 0025W1 Lyon.....	5,000
Louisiana 0012W1 Franklin.....	12,500
Minnesota 0063W2 Scott.....	10,000
Missouri 0035W1 Adair.....	10,000
Oklahoma 0002W1 Kay.....	7,500
Wyoming 0003W1 Fremont.....	10,000

ROBERT B. CRAIG,
Assistant Administrator.

[F. R. Doc. 39-2847; Filed, August 2, 1939;
9:31 a. m.]